THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.17587 OF 2005

Dated 27-09-2005

Between:

Unkanti Laxmi,

Adilabad District

…Petitioner

A n d

The Singareni Collieries Company Ltd.,

Rep.by its Divisional Manager,

Mandamarri Division, Adilabad District.

…Respondents

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ORDER:

The son of the petitioner *viz*., Unkanti Prabhakar Reddy, was employed as General Mazdoor in the Singareni Collieries Company Ltd., the 1st respondent herein. The 3rd respondent is the wife of the said Prabhakar Reddy. He died on 20-02-2003, while in service.

As many as three policies, in the Life Insurance Corporation of India, were taken out by him. Apart from that, the amount, towards gratuity, FBIS (death claim), lumpsum amont, and provident fund became payable to the dependants of the said employee. The petitioner filed O.P.No.282 of 2003 in the District Court, Adilabad, for issuance of succession certificate, in relation to the amounts payable, on account of the death of her son. All the respondents herein were impleaded in that O.P. In fact, the petitioner obtained an order of temporary injunction in I.A.No.986 of 2003, restraining the respondents 1 and 2 herein from paying any amount, specified in the O.P., to the 3rd respondent. The O.P. was ultimately ordered on 01-11-2004, declaring that the petitioner and the 3rd respondent are entitled to equal shares, for the death benefits of late Prabhakar Reddy. The grievance of the petitioner is that, in spite of such succession certificate, issued by the competent Court, respondents 1 and 2 have not paid any amount to her.

On behalf of the respondents 1 and 2 separate counter affidavits are filed. The 1st respondent has indicated the amounts, that became payable, on the death of the employee. It was also stated that the Coal Mines Provident Fund was already extended to the 3rd respondent, by an agency, which was not a party to the O.P.

The 2nd respondent stated that, with the policies taken out by the deceased employee, accounted for a sum of Rs.1,76,261/-, by the time he died, and that on account of some communication gap; the entire amount was paid to the 3rd respondent.

No counter affidavit is filed on behalf of the 3rd respondent.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondent Nos. 1 and 2. There is no representation on behalf of respondent No.3.

It is not in dispute that the petitioner and the 3rd respondent were declared as legal heirs of late Prabhakar Reddy, and entitled to receive the death benefits, in

equal shares. The record discloses that a sum of Rs.4,09,411-25 is with the 1st respondent

(*viz*., *Rs.37,000/- towards Group Insurance Scheme; Rs.62,411-25 towards Gratuity; Rs.10,000/- towards FBIS (death claim), and a lumpsum of Rs.3,00,000/-*) , and a sum of Rs.1,34,931/- was payable towards Coal Mines Provident Fund. So far as the 2nd respondent is concerned, the amount payable towards three policies was Rs.1,71,261/-. As against these amounts, the 3rd respondent was already paid the entire sum of Rs.1,34,931/- towards Coal Mines Provident Fund, and the one covered by the Group Insurance Scheme, of Rs.37,000/-, as well as the amount covered by three policies being Rs.1,71,261/-. In all, she is said to have been paid a sum of Rs.3,43,686/-. Though the 2nd respondent ought to have paid only Rs.85,630/- to the 3rd respondent, on account of communication gap, they have paid the entire amount of Rs.1,71,261/-. The share of the petitioner towards the L.I.C. amount can be made good, by requiring the 1st respondent to pay the said differential amount. Even after the 3rd respondent was paid the entire L.I.C. amount, and entire Coal Mine Provident Fund,

she is entitled to be paid a further sum of

Rs.14,358/-.

For the foregoing reasons, the writ petitin is disposed of, directing the 1st respondent herein to pay a sum Rs.3,58,044/- towards petitioner's half share, in the death benefits of her son, within four weeks from today, duly undertaking her identification. It is also directed that the amount shall be credited to the account opened by the petitioner, in a Nationalized Bank. Inasmuch as

a sum of Rs.3,00,000/- is paid, in lieu of dependant's employment and monthly monetory compensation, it is declared that the petitioner, 3rd respondent or anyone claiming through the deceased employee, shall not be entitled for the said reliefs. A

sum of Rs.14,358/- shall be paid to the 3rd respondent. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.27-09-2005

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